AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions.

1 (currently amended): An isolated nucleic acid molecule comprising:

a) a promoter, wherein the activity of the promoter is dependent on the presence of the human immunodeficiency virus (HIV) Tat protein;

b) at least one splice donor site and at least one splice acceptor site;

c) an expressible sequence which is not a wild-type HIV sequence, wherein at least part of the expressible sequence is located in an intron between the splice acceptor site and the splice donor site; and

d) a Rev Responsive Element (RRE) from the human immunodeficiency virus,

wherein elements (a)-(d) are operably linked; and wherein the at least one splice acceptor site is contained within the RRE; or a complement thereof.

2 (previously presented): The nucleic acid molecule of claim 1, wherein the promoter comprises a human HIV 5' long terminal repeat (LTR) or a portion thereof; or a complement thereof.

3 (previously presented): The nucleic acid molecule of claim 1, further comprising a human HIV 3' LTR; or a complement thereof.

4 (previously presented): The nucleic acid molecule of claim 1, wherein the splice donor site is the HIV D1 splice donor site; or a complement thereof.

5 (previously presented): The nucleic acid molecule of claim 1, wherein the splice acceptor site is the HIV A7 splice acceptor site; or a complement thereof.

6 (cancelled).

7 (previously presented): The nucleic acid molecule of claim 1, further comprising at least a second splice donor site and at least a second splice acceptor site; or a complement thereof.

8 (previously presented): The nucleic acid molecule of claim 7, wherein the second splice donor site is the HIV D4 splice donor site; or a complement thereof.

9 (previously presented): The nucleic acid molecule of claim 7, wherein the second splice acceptor site is the HIV A5 splice acceptor site; or a complement thereof.

10 (currently amended): The nucleic acid molecule of claim 1, wherein the nucleic acid molecule comprises SEQ ID NO: 1~~the nucleic acid molecule depicted in Figure 4~~; or a complement thereof.

11 (currently amended): The nucleic acid molecule of claim 1, wherein the nucleic acid molecule comprises SEQ ID NO: 2~~the nucleic acid molecule depicted in Figure 5~~; or a complement thereof.

12 (previously presented): The nucleic acid molecule of claim 1, further comprising a psi (φ) site; or a complement thereof.

13 (previously presented): The nucleic acid molecule of claim 1, wherein the expressible sequence is a reporter gene; or a complement thereof.

14 (currently amended): The nucleic acid molecule of claim 13, wherein the reporter gene encodes a protein selected from the group consisting of: a fluorescent protein, luciferase, ß-galactosidase, chloramphenicol acetyl transferase (CAT), and thymidine kinase (TK); or a complement thereof.

15 (original): The nucleic acid molecule of claim 14, wherein the fluorescent protein is selected from the group consisting of green fluorescent protein (GFP), enhanced green fluorescent protein (EGFP), red fluorescent protein (RFP), yellow fluorescent protein (YFP), enhanced yellow fluorescent protein (EYFP), blue fluorescent protein (BFP), and cyan fluorescent protein (CFP); or a complement thereof.

16 (currently amended): The nucleic acid molecule of claim 14~~15~~, wherein the luciferase is selected from the group consisting of firefly luciferase and *Renilla* luciferase; or a complement thereof.

17 (previously presented): The nucleic acid molecule of claim 1, wherein the expressible sequence comprises a therapeutic gene; or a complement thereof.

18 (original): The nucleic acid molecule of claim 17, wherein the therapeutic gene encodes a cytotoxic protein; or a complement thereof.

19 (previously presented): The nucleic acid molecule of claim 1, further comprising an internal ribosome entry site (IRES); or a complement thereof.

20 – 21 (cancelled)

22 (currently amended): An isolated nucleic acid molecule comprising a nucleic acid sequence selected from the group consisting of: SEQ ID NO:1, SEQ ID NO:2, and SEQ ID NO:3; or a complement thereof, ~~or a sequence which is at least about 60% identical to a nucleic acid sequence selected from the group consisting of: SEQ ID NO:1, SEQ ID NO:2, and SEQ ID NO:3; or a complement thereof~~ wherein the nucleic acid molecule comprises a GFP reporter gene, one or more splice donor sites, one or more splice acceptor sites and a HIV 5' and 3' LTR.

23 (cancelled)

24 (previously presented): The nucleic acid molecule of claim 1, which is contained within a vector.

25 – 30 (cancelled)

31 (previously presented): A host cell containing the nucleic acid molecule of claim 1.

32 – 34 (cancelled)

35 (original): The host cell deposited with the NIAID Research and Reference Reagent Program as Accession No. _____.

36 – 47 (cancelled)

48 (previously presented): A method of determining whether a subject is infected with HIV comprising:

a) contacting the cells of the subject with the virus of claim 26; and

b) determining whether the expressible sequence is expressed by the cells;

wherein expression of the expressible sequence is indicative of HIV infection.

49 – 71 (cancelled)